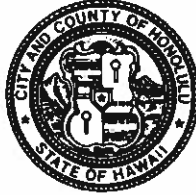


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

January 17, 2020

2019/SMA-36(AB)

The Honorable Ikaika M. Anderson
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Anderson and Councilmembers:

SUBJECT: Special Management Area (SMA) Use Permit Application
File No. 2019/SMA-36
Ala Moana Regional Park and Magic Island Improvements
1141, 1201, 1365, 1401, and 1605 Ala Moana Boulevard
Tax Map Keys 2-3-037: 001, 022, 023, and 025

We recommend approval of this application for an SMA Use Permit for improvements at the Ala Moana Regional Park and Magic Island, as described in the Final Environmental Impact Statement, accepted by Mayor Kirk Caldwell on August 12, 2019. Our recommendation includes conditions related to sand nourishment, tree disposition, dog park best management practices, and standard conditions relating to archaeological resources, lighting, and approvals from other governmental agencies.

Pursuant to Chapter 25, Revised Ordinances of Honolulu, the City Council must act within 60 calendar days after receipt of our Findings and Recommendation; however, the City Council may extend this period of time upon receipt of a request from the Applicant for an extension. The extension is not automatic and thus, if an extension of time is not requested in a timely manner, the application may be denied due to the Council's time deadline.

20 JAN 21 PM 11:58 CITY CLERK

The Honorable Ikaika M. Anderson
Chair and Presiding Officer
and Members
January 17, 2020
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Should you have any questions, please contact me at 768-8000.

Very truly yours,



Kathy K. Sokugawa
Acting Director

Attachments

cc: Mayor Kirk Caldwell
Mark Yonamine, P.E., Director Designate, Department of Design and Construction

APPROVED BY:



Roy K. Amemiya, Jr.
Managing Director

DEPARTMENT OF PLANNING AND PERMITTING
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION

BY

CITY AND COUNTY OF HONOLULU
DEPARTMENT OF DESIGN AND
CONSTRUCTION

FOR A

SPECIAL MANAGEMENT AREA
USE PERMIT

File No. 2019/SMA-36(AB)

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND RECOMMENDATION

I. APPLICATION

A. Basic Information:

LANDOWNER:	City and County of Honolulu, Department of Parks and Recreation
APPLICANT:	City and County of Honolulu, Department of Design and Construction
AGENT:	Belt Collins (Joanne Hiramatsu)
LOCATION:	1141, 1201, 1365, 1401, and 1605 Ala Moana Boulevard – Ala Moana (Exhibit A)
TAX MAP KEYS:	2-3-037: 001, 022, 023, and 025
LOT SIZE:	119 Acres
ZONING:	P-2 General Preservation District
STATE LAND USE:	Urban District, Conservation District (portion seaward of the shoreline only)
SURROUNDING LAND USES:	Shopping Center, Multi-Family Dwellings, Hotels, Offices, Small Boat Harbors, Bus Transfer Hub

B. Proposal: The Applicant requests a Special Management Area (SMA) Use Permit (SMP) to make improvements at the Ala Moana Regional Park and Magic

Island Park in accordance with a 10-year master plan disclosed in the Final Environmental Impact Statement (FEIS), which was accepted by the Mayor of Honolulu on August 12, 2019 (Project). More specifically, the Project includes the following proposals:

1. Add a dog park near Kewalo Basin;
2. Improve pond edges and paths around Hawaiian and Japanese ponds;
3. Expand and improve Piikoi and Queen Street pedestrian entrances, including partially covering the drainage canal;
4. Expand keyhole parking lot;
5. Rearrange parking on makai side of Ala Moana Park Drive (internal driveway) to add loading and unloading areas near crosswalks;
6. Reconfigure parking on mauka side of Ala Moana Park Drive to add parking spaces;
7. Reconfigure and expand Magic Island parking lot;
8. Repair Roosevelt Portals at Atkinson Street entrance;
9. Improve Kamakee Street entrance;
10. Improve existing canoe launch ramp and crossing at Canoe Halau;
11. Renovate McCoy Pavilion and Banyan Courtyard;
12. Improve "high spot" terrace to meet Americans with Disabilities Act (ADA) requirements and to improve paths;
13. Sand replenishment and long-term beach nourishment (sand nourishment) adding about 70,000 cubic yards of sand, increasing beach width about 35 feet at the western end, 85 feet in the central area, zero feet (no change) at the bend, and 75 feet at the eastern end of the beach, which would return the beach to its 1957 shoreline position;
14. Add a playground;
15. Relocate the maintenance yard;
16. Create a multi-use facility near the lawn bowling area and improve lawn bowling structures;
17. Relocate Ocean Safety's Honolulu headquarters on-site.

The general location of each proposal is shown on Exhibit C. See Exhibits D through H for other conceptual plans. Some of the actions remain in their early conceptual phase; however, the anticipated impacts of each element of the Project is discussed in the FEIS and SMP application. The types of activities necessary to complete the individual proposals include demolition, grading, stockpiling, paving, landscaping, construction of a new canal crossing, repair of existing structures and features, renovations to existing buildings, relocation of existing uses, and development and construction of new park features and uses, such as entryways, a dog park, and a playground.

[Note: Two additional proposals, bridal bridge repair and canal repair, were included in the FEIS, but do not require an SMP. They are part of the master

plan, but not included in this application. The Department of Planning and Permitting (DPP) had previously determined that they are not development for SMA purposes, and that they would not have a cumulative significant impact on the SMA.]

II. FINDINGS OF FACT

On the basis of the evidence presented, the Director of the DPP has found:

A. Site and Surrounding Uses:

1. Existing and Surrounding Land Use: The Park is a regional public recreational facility in the P-2 General Preservation District consisting of both active and passive park features, including structures to support those features. Nearby uses include a shopping center, multi-family dwellings, two small boat harbors, hotels, offices, various commercial establishments, and one of the main vehicle access points into Waikiki. See Exhibit A.
2. Physiography and Soil: The site is relatively level at an elevation of about 5.1 feet to 5.6 feet above mean sea level (MSL) across the Park. The sandy beach area ranges from sea level to about five feet above MSL. The soils at the site consist primarily of Fill Land, as the Park was the result of land reclamation events that created urban lands suitable for development atop low-lying semi-submerged areas. These events occurred in the 1920s (Ala Moana Park), the 1950s-1960s (Magic Island, sand placement), and 1976 (last recorded sand nourishment).
3. Groundwater, Surface Water, and Drainage: The Park contains two human made ponds and a drainage canal, and is otherwise surrounded by surface water in the form of harbors or the Pacific Ocean. See Exhibits A and C. Groundwater below the Park is non-potable and brackish. Stormwater primarily infiltrates into the ground through vast grassy or sandy pervious areas. The impervious areas direct stormwater to various drainage conveyance systems in the Park. These systems lead to the drainage canal on the mauka side of the Park, the Ala Wai Boat Harbor, or the two ponds within the Park. Stormwater runoff from heavy rain events sheet flows either towards Ala Moana Park Drive, where it is directed to the drainage canal, or Ala Wai Boat Harbor.
4. Natural Hazards: The Flood Insurance Rate Maps indicate that much of the Park is susceptible to flooding, with the exception of portions of Magic Island (see Exhibit B). As a shoreline site, the Park is also susceptible to tsunami inundation and impacts from sea level rise (SLR), as discussed

further in the Analysis section of this report. See Exhibit I for the Certified Shoreline Survey prepared for this Project.

5. Shoreline and Marine Environment: The shoreline is a human made sandy beach that is eroding due, in part, to a lack of natural processes to replenish the beach. The marine environment has also been heavily influenced by human actions of the past; however, there remains a large reef patch that acts as a natural boundary between the dredged swimming channel near the sand beach and the open ocean and surf breaks. Loose coral can be found near the shoreline in the water, which accounts for about two percent of the coral habitat in the area. The coral, both loose and imbedded, are in the State Conservation District, which is outside of the boundaries of the SMA.
6. Air Quality: There are no major air pollution generators in the vicinity of the Park. Air pollution generated by the Park is limited to exhaust from motor vehicles, generators used by park goers (e.g., bounce houses), and the concessions operations.
7. Noise Characteristics: Outside of special events, motor vehicle traffic and recreational noises are the largest contributors to ambient noise levels in the Park.
8. Flora and Fauna: The Applicant conducted a survey of the flora and fauna in the Park as part of the FEIS. No naturally occurring state or federally listed threatened or endangered species of flora were observed. There were also no naturally occurring rare native Hawaiian plant species. In all, eleven native species of flora were found in the Park. Of these, *Plyscias Racemosa* (False Ohe) is listed as critically endangered. The False Ohe only occurs as a cultivated plant in the Park. Additionally, a number of ornamental trees are designated as Exceptional Trees within the Park.

Fauna observed during the survey of the Park, as noted in the FEIS, included 20 bird species, of which seven are protected under the Migratory Bird Treaty Act, and one is listed as threatened by the State of Hawaii. While no Hawaiian hoary bats were observed, favorable conditions for roosting and foraging were found within the Park. No terrestrial reptiles or amphibians were observed. The non-native carpenter bee was the only observed insect/invertebrate.
9. Archaeological, Historical, and Cultural Resources: There are no known archaeological resources related to pre-European contact society because the Park was artificially constructed from dredged material and fill soils; however, there may be non-localized or imported archaeological remains from the dryland soils or sand used as fill in the Park.

The Park is designated as a historic property, which includes fourteen features that were evaluated based on the significance criteria of the relevant Hawaii Administrative Rules. These features, as detailed in the FEIS, include buildings, the road, landscape arrangements and trees, entryways, waterways, and a bridge.

The cultural resources of the site were reviewed and identified in the Cultural Impact Assessment (CIA) prepared for the FEIS. The CIA suggests that it is unlikely to find iwi kapuna or other subsurface resources due to the nature of the fill soil used for the site; however, the CIA recognizes that sandy fill may have been used for Ala Moana Park Drive, which is more likely to contain iwi kapuna than the dredged material or crushed coral used elsewhere. The CIA notes that fishing, gathering (of shells and invertebrates), surfing, canoeing and other important native Hawaiian cultural practices are practiced at the Park, and that these practices are dependent on a healthy ecosystem and access to the ocean recreation areas.

10. Visual Characteristics: The visual resources of the Park include mauka-makai views of the Koolau Mountains and Pacific Ocean from Magic Island, and views of the Pacific Ocean through the Park from Ala Moana Boulevard. The Primary Urban Center Development Plan (PUCDP) and the Coastal View Study (Chu and Jones, 1987) identify and recognize these views.
 11. Infrastructure: Infrastructure available in the Park includes water supply (irrigation and potable), sewer, storm drainage, electricity, telecommunications, and solid waste collection. Sidewalks, mixed-use paths, and a roadway provide access to the many areas throughout the Park.
- B. Environmental Compliance: The Project is located entirely within the SMA and is considered development for purposes of the SMA. The Project also includes development within the shoreline setback area, and involves the use of public funds and land. Therefore, pursuant to Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 25, Revised Ordinances of Honolulu (ROH) an Environmental Impact Statement (EIS) was prepared. The Applicant prepared two Draft EISs (DEIS) for review and comment. The second DEIS was prepared to expand upon the potential cultural impacts of the Project. The Mayor of Honolulu accepted the FEIS on August 12, 2019.
- C. Applicable Plans, Policies, and Regulations: The General Plan (GP) and the PUCDP provide policy direction for the use of the site.

The site is located within the P-2 General Preservation District. Uses and development standards for the P-2 General Preservation District are governed by the Land Use Ordinance (LUO), Chapter 21, ROH.

Development on the site must be consistent with the objectives and policies of HRS Section 205A-2 related to coastal zone management and Chapter 25, ROH, related to the SMA. The Park is also on shoreline lots, and must comply with Chapter 23, ROH, related to shoreline setbacks.

- D. Other Permits and Approvals: If this SMA permit is approved, the Applicant must apply for building, grading, stockpiling, and grubbing permits from the City. Due to the size and nature of the Project, a National Pollutant Discharge Elimination System (NPDES) permit will be required, as well as demonstration of compliance with the City's Rules Related to Water Quality, and the State Department of Health Clean Water Branch.

Improvements within the shoreline setback area are not permitted without a shoreline setback variance (SSV) or minor shoreline structure (MSS) permit from the DPP. Sand nourishment requires an MSS because some sand will be placed mauka of the shoreline, and therefore in the shoreline setback area, and not in the Conservation District. Other proposed future improvements within the shoreline setback area, such as construction of ADA compliant ramps at the "high spot," may require an SSV in the future. This will be determined when more detailed plans are submitted for review.

Because portions of the sand nourishment proposal extends into the State Conservation District and the Pacific Ocean, the Applicant will also need to confer with and obtain necessary approvals from the Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) and United State Army Corps of Engineers (USACE) regarding the activities makai of the shoreline.

- E. Agency Comments: The DEIS and a second DEIS for the Project were routed to various public agencies for comment. The Office of Hawaiian Affairs (OHA) provided comments on the SMA application. Those comment letters can be found in the FEIS or in the SMP file, and relevant comments are addressed in the Analysis section of this report.

The Ala Moana/Kakaako Neighborhood Board No. 11 provided comments and adopted two resolutions related to this Project. The comments were drafted and submitted via the first resolution during the review of the DEIS, and included recommendations related to feral cats, wind-blown trash, and SLR. The second resolution specifically supported the playground proposal.

The City Council adopted Ordinance No. 18-46 prohibiting improvements makai of Ala Moana Park Drive that widen existing walkways or reduce grassy areas.

Except to comply with the ADA regulations, the earlier proposals affected by this Ordinance have been removed from the Project.

- F. Public Hearing Testimony and Community Comments: A Public Hearing was conducted at 10:30 a.m. on December 18, 2019, at the McCoy Pavilion in the Park. The hearing was attended by about 40 members of the public, the Applicant, the Agents for the Applicant, and DPP staff. Seventeen people testified in opposition to certain components of the Project, and one testified in support of the Project. Many of the testifiers also submitted extensive written testimony, which is on file with the DPP. The DPP also received other written testimony in the form of letters and emails before and after the Public Hearing. All written testimony is also in the file. All testimony is summarized below.

Several testifiers discussed multiple elements of the Project, so the testimony in opposition to the Project has been aggregated, and is summarized here by topic:

1. **Playground –** Opponents to the playground primarily identified the size and scope of the playground as inappropriate for the Park. Many testifiers also stated that the potential environmental impacts (primarily runoff and view sheds) of the playground had not been adequately addressed. Testifiers also felt that the loss of green space was too significant.
2. **Parking and Paved Areas –** Those opposed to the parking and paved area improvements expressed concerns about safety, loss of green space, and loss of trees. Many had concerns about the orientation of the perpendicular parking in particular. Some felt the proposed parking levels were too high, and others felt the location of parking should be modified.
3. **Sand Nourishment –** The testifiers identified potential impacts to shellfish and other marine habitats necessary for native Hawaiian cultural practices. They felt mitigation was not proposed, and the impacts were not adequately addressed. Furthermore, there was a concern from the community that the potential deep-water sand collection site may be contaminated, and that its use on the beach would put people and shoreline habitats at risk of impacts from pollution.
4. **Dog Park –** Testifiers felt that the dog park is an inappropriate use for the Park. Environmental concerns focused on dog waste and, to some extent, park-user safety. Others felt that a dog park would attract more dog owners to the Park, and that these dogs would not exclusively use the dog park, leading to more unleashed dogs in the Park and on the beach. They noted that unleashed dogs are not allowed in the Park.
5. **Historic Preservation –** The Historic Hawaii Foundation (HHF) provided comments and recommended that the relevant State and Federal laws related to historic preservation should be followed.

6. General increased traffic and use – Many testifiers expressed concerns about increasing access to recreation resources within the Park. In particular, they felt that the impact of additional recreational use was not adequately addressed in the FEIS, and that the increased use itself needed mitigation.
7. Lack of specificity – Many testifiers commented on the lack of detailed plans and drawings for the individual proposals in the FEIS.

The testifier in support of the Project appreciated the improvements and expanded recreational activities being proposed. He noted the population growth in the Ala Moana neighborhood, and felt that these new amenities, particularly the playground, were suitable for the growing population of families with children.

All testimony relevant to this SMA application is addressed in the Analysis section of this report.

III. ANALYSIS

The proposed Project was analyzed in accordance with the objectives, policies, and guidelines established in Sections 205A-2 and 205A-26, HRS, as well as Sections 25-3.1 and 25-3.2, ROH.

- A. Special Management Area Objectives and Policies of Section 25-3.1, ROH and Section 205A-2, HRS: The Project complies with the objectives and policies of the Coastal Zone Management (CZM) regulations and SMA, as discussed below.

1. Recreational Resources: Development in the SMA should provide coastal recreational opportunities to the public. The proposed improvements advance the Park's ability to provide adequate, accessible, and diverse recreational activities in coastal areas. New or improved pedestrian access and new or modified parking layouts will increase access to the Park. Improvements to the 'high spot' will make the area more accessible to individuals with disabilities. New facilities, such as a playground and dog park diversify the types of activities that are offered by the Park, and the sand nourishment project will expand the area of sandy beach to increase the areas dedicated to recreational uses.
2. Historic and Cultural Resources: Development within the SMA should protect, preserve, and restore natural or manmade historical and cultural resources. The Project is designed to protect, preserve, or restore natural and manmade resources within the SMA. As part of the CIA in the FEIS, the Applicant identified and documented historic features of the Park. These features will be documented, retained, or renovated. If removed or

altered, greater details will be documented. Approval from the DLNR, State Historic Preservation Division (SHPD) is necessary before undertaking any improvements to historic structures to confirm compliance with Chapter 6E, HRS. The Applicant's mitigation proposal is already under review by the SHPD for the proposed work. Approval from the SHPD prior to issuance of any building permits or tree removal impacting historic features of the Park should be a condition of approval.

While no historic cultural or archaeological resources were identified during site surveys, in the event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the work, the Applicant is required to cease all work in the immediate area, protect the find from additional disturbance, and contact the SHPD. This should be a condition of approval.

Current cultural activities, such as fishing, gathering of shells and invertebrates, canoe paddling, and surfing will not be permanently or substantially impacted. Temporary impacts during construction or sand nourishment may occur. The Applicant should mitigate this impact by reserving areas during construction for these cultural activities. Furthermore, the Applicant should commit to monitoring environmental resources (e.g., flora, fauna, and wave action) that are important for these cultural practices throughout the various phases of sand nourishment. This monitoring program should be submitted as part of the MSS permit required for sand nourishment. Furthermore, sections of the shoreline closed during sand nourishment should be limited to those areas minimally necessary to protect public safety. This should be a condition of approval.

3. Scenic and Open Space Resources: Development should protect coastal scenic and open space resources. The proposed structures will not obscure views of the ocean or mountains identified in the Coastal View Study. Also, the proposed development, including the playground, is visually compatible with an urban regional park. New structures are located mauka of Ala Moana Park Drive, thus maximizing the preservation of ocean views throughout the Park. Mauka views are already impacted by off-site development, and no part of the Project is expected to further obscure any protected mauka views. Therefore, no conditions related to scenic resources are recommended.

The Project does include some expansions and rearrangement of paved surfaces for parking, which may reduce open space to meet growing parking demand. The Parking Study from the FEIS recommended about 113 additional parking spaces just to meet current demand. The Applicant is proposing about 250 (depending on final design) additional parking

spaces to meet current and future parking demands at the Park. The maximum total amount of parking proposed is about 1,200 spaces, compared to about 950 existing spaces. Members of the community raised concerns regarding the loss of trees due to this expansion. Therefore, to mitigate any loss of trees due to expanded paved areas, the Applicant should be required to limit tree removal when possible, and relocate or replace all trees that are impacted by the paving proposals. This should be a condition of approval. The Applicant is also required to follow the rules related to exceptional trees for those trees identified as exceptional. Further, all new parking lots will be required to plant shade trees, as is required by the LUO, so no conditions related to exceptional trees or shade trees in parking lots are recommended.

The Project also includes new support and accessory structures and buildings, such as the new ocean safety headquarters. These proposals are accessory and supportive of the Park as a whole, so the loss of open recreational areas to these necessary supportive uses is reasonable; however, detailed plans for new buildings were not included in the application, and the community expressed concerns about large-scale loss of open space. Therefore, prior to submitting building permits for new buildings exceeding 7,500 square feet of floor area (which is the point at which a single-family dwelling becomes "development"), the Applicant must first submit preliminary plans for a confirmation of compliance with the SMA permit, and a determination of no significant impact by the Director of the DPP. This should be a condition of approval.

4. Coastal Ecosystems: Development within the SMA should minimize impacts to valuable coastal ecosystems. With the exception of temporary impacts due to the sand nourishment project, coastal ecosystems are not likely to be impacted by any of the development with proper implementation of best management practices (BMPs). This will be reviewed and approved through the NPDES permit.

Members of the community expressed concerns that the sand being used in the sand nourishment proposal would be contaminated. When asked about this at the public hearing, the Agent suggested that they could test the sand prior to collecting and moving it from the sea floor to the shoreline. Tests can confirm that the sand being used for nourishment does not pose a risk to park-goers or coastal ecosystems. Prior to submitting the MSS, the Applicant should submit a study confirming that testing has taken place prior to sand collection, and that the sand is appropriate for use and does not put the public or coastal ecosystems at risk. This should be a condition of approval.

Temporary impacts to flora and fauna living in the sand are expected in the short term, but the expanded sand area is likely to result in a larger

and more robust ecosystem for these creatures after their populations stabilize. Previously discussed conditions related to monitoring of environmental resources during sand nourishment should be sufficient to mitigate permanent impact. Therefore, no additional conditions of approval are recommended.

Members of the public expressed concerns about the dog park and the concentration of dog waste near the water and other park users; however, the Applicant is proposing mitigation of stormwater runoff at the dog park with berms and dense landscaping to prevent sheet flows from the dog park area to open water sources. Solid waste from the dog park is to be collected by owners and placed in solid waste bins. Liquid waste will percolate through the fill soil prior to entering any subsurface waters. The groundwater in the area is non-potable brackish water, and not used in the Park. The dog park will be located about 450 feet from the shoreline, and the proposed berms will protect against sheet flows from the dog park into the canal. To ensure that dog waste does not substantially impact the water quality of the area, the Applicant should submit a water quality and drainage plan affirming the safety of the dog park. Additionally, signage should be erected at the dog park educating owners of the importance of proper disposal of dog waste. Collectively, these measures will act as BMPs for dog parks. Water testing should be done quarterly for one year after the dog park is opened to confirm the effectiveness of these dog park BMPs. If it is determined that these conditions are insufficient after the dog park has been in operation, the Applicant should be required to close the dog park until sufficient actions are taken to mitigate substantial impacts from dog waste entering the coastal ecosystem. These can include reducing the days of operation or installation of a drainage system that does not rely on natural percolation. These should be conditions of approval.

Hawaiian seabirds are easily disoriented by lighting at night. The Project does not include a specific lighting plan; however, with the redevelopment of two parking lots and other improvements, additional or new lighting is expected. Therefore, the building permit plans should show that all outdoor lights will be fully shielded, not directed toward the ocean, and of a temperature of 3,000K or less. These should be conditions of approval. Lighting proposed must also conform to the State Office of Planning guidelines for wildlife lighting, and Section 205A-71, HRS, relating to lighting directed towards the shoreline. Therefore, no additional conditions are recommended.

5. Economic Uses: Development in the SMA should provide public or private facilities and improvements important to the economy in appropriate locations. The Project is a public park and will have limited direct impact on economic activity. There are a few small existing concessions within

the Park, and the playground feature could include an additional concession. Nonetheless, these activities support and are incidental to the function of the Park overall. Other secondary impacts due to quality of life improvements are possible (such as increased property values), but economic development is not the objective of the Project. To be clear, the Project will not negatively affect the economy. No conditions related to this policy are necessary.

6. Coastal Hazards: Development in the SMA should reduce hazards to life and property from coastal hazards. According to the FEIS, the Park is susceptible to coastal hazards, such as coastal flooding, tsunami inundation, and SLR. However, the Project is not anticipated to increase the likelihood or severity of coastal hazard events, and will reduce the hazard to life and property as described below.
 - a. Flood: Most of the site and all of the proposals are within the VE or AE Flood Hazard Zones, which are subject to Chapter 21A, ROH, the Flood Hazard Areas Ordinance. All development in the flood hazard zone must comply with Chapter 21A, ROH, which will be confirmed during the review of building permits.
 - b. Sea Level Rise: The site will be greatly impacted by SLR, and the sand nourishment proposal is intended in part to deal with these anticipated impacts by increasing the volume of sand and elevating the sand area, which can reduce impacts due to increased wave action during storm events. The Project will not increase or exacerbate the impacts of SLR on nearby properties.
 - c. Tsunami: The Park is within the tsunami evacuation zone, and a Civil Defense Siren to alert of tsunami events is located within the Park. Evacuation during a tsunami warning period is enforced, based on the guidelines issued by the Department of Emergency Management. The Project will result in improved egress from the Park, particularly for people with limited mobility, by increasing the number and width of paths leading towards areas outside of the tsunami evacuation zone. This will reduce the public health risks during a tsunami warning. Vehicular egress will not be impacted.
7. Managed Development and Public Participation: Development in the SMA should take measures to improve development review processes and increase public awareness of coastal management. The Project responds to demands for quality and accessible public spaces while mitigating impact to coastal resources and hazards. The Project was reviewed in the DEIS phase twice, and a public hearing was held for this SMP. The public has been made aware of and participated heavily in this process.

Additional public hearings are expected at the City Council. No related conditions are recommended.

8. Beach Protection: Development within the SMA should protect beaches for public use and recreation. The Project includes beach nourishment, which will preserve the beach area for public use and recreation for years to come. This beach is already an artificial area, and there will be no negative impacts to the beach with regards to recreational potential. Sand nourishment also supports other SMA objectives related to expanded shoreline recreation opportunities. Other proposed conditions will adequately mitigate the temporary impacts to the beach from nourishment; therefore, no additional conditions are recommended.
 9. Marine Resources: Development within the SMA should promote the protection of marine and coastal resources, such as coastal land, coastal ecosystems, minerals, oil, gas, and sand, to ensure their sustainability. The Project promotes the sustainable use of coastal lands for a regional public park, which is a low-impact public use compared to the dense privatized urban environment nearby. Impacts to coastal ecosystems were previously reviewed, and no additional conditions are recommended. Other impacts to marine resources makai of the shoreline are outside of the SMA. The Applicant will coordinate with the state and federal regulators to ensure activities makai of the shoreline, such as sand gathering for sand nourishment, are completed in compliance with the applicable laws. No additional conditions are recommended.
- B. Special Management Area Guidelines, Section 25-3.2, ROH, and Section 205A-26, HRS: The Project complies with the guidelines of the CZM regulations and the SMA, as discussed below.
1. Access to beaches and natural areas, open space: The Project increases access to the beaches and natural areas. Although about two acres of open space will be converted into other recreational resources (playground, parking areas) or support structures (maintenance yard, ocean safety building relocation), these proposals promote other policies and goals of the SMA while maintaining adequate access to the beach and open space resources. The Project is also consistent with sound conservation principles (e.g., the application of BMPs, low impact development principles), and retains the principally open-space nature of the Park. No additional conditions are recommended.
 2. Access to recreational resources: The Project will increase public recreational resources by creating new recreational features and expanding upon existing features. As an urban regional park, Ala Moana is centrally and appropriately located to continue operating as a popular recreational attraction. No additional conditions are recommended.

3. Solid and liquid waste provisions: Liquid waste at the Park is managed by the City's sewer system. New connections to the sewer system, such as at the proposed bathrooms associated with the playground, may require a Sewer Connection Application. Sewer capacity will be confirmed during ordinary review of building permits. No conditions related to liquid waste are recommended.

Solid waste is collected from trash cans by Park staff, and is transported by the City's Environmental Services Department to H-Power or one of two landfills on Oahu. The Project is intended to improve the experience for park-goers and provide additional amenities to satisfy the growing demands on the Park. Increased solid waste production due to increased use is not expected to have any impact to the SMA resources on-site or nearby. Nor is there anticipated to be any substantive impacts off-site at the solid waste receiving sites. The Ala Moana/Kakaako Neighborhood Board commented in their Resolution that trash often becomes airborne due to open trash cans on windy days, often resulting in water pollution. The Applicant should consider addressing this concern by replacing existing trash cans with lidded cans over time. This is a Park operational issue, though, and it is not part of the Project. Thus, no condition is recommended.

Concerns related to solid and liquid waste disposal at the dog park were previously discussed. Subject to the previous conditions, adequate provisions for solid and liquid waste will be provided. No additional conditions are recommended.

4. Alterations to existing landforms: There are some proposed alterations to existing landforms. Limited grading is required for a number of the proposals, and the sand nourishment proposal will modify the shoreline; however, these impacts will not substantially alter any natural or important geographic features of the Park, and they are designed to meet and implement other goals, objectives, and guidelines of the CZM regulations and SMA. Therefore, no conditions are recommended.
5. Substantial or cumulative environmental impact and compelling public interest: There is a compelling public interest in maintaining and improving recreational resources, and this is the purpose of the 10-year master plan and the Project. No permanent substantial impacts are anticipated as a result of the Project. Temporary impacts due to construction activities are expected, and are reasonable considering the public's interest in maintaining quality public recreational facilities. As discussed earlier, impacts to cultural practices that are dependent on the coastal environmental resources should be mitigated with a plan submitted for review during the processing of the MSS. These impacts

are identified and discussed in Section III.A. of this Report. The cumulative impact to the environment is also not substantial, as only temporary impacts are anticipated, and other impacts can be adequately mitigated through conditions of approval.

Some members of the public expressed concerns about traffic safety and increased traffic. The Applicant is proposing an increase in total parking spaces at the Park of about 250 parking spaces. The Traffic Study in the FEIS indicates that even with these improvements, traffic volumes in the area will not substantially increase, in part because the improvements are intended simply to serve existing and anticipated future demands. The existing roadways in the area are already built to sufficiently accommodate the future demand. Nonetheless, the safety and design related concerns will be reviewed by the traffic engineers and design professionals when construction plans for the internal roadway and parking lots are prepared. A marginal increase in traffic and automobile use, which may result from the parking lot changes, will not have substantial environmental impacts in terms of gaseous, liquid, or solid pollutant discharges from automobiles. Existing and new all-weather surface parking areas must be designed to implement BMPs and comply with the rules related to stormwater quality. Existing opportunities for review of engineering, safety, drainage, and stormwater impacts of the parking facilities are already in place. Therefore, no additional conditions are recommended.

6. Consistency with plans and regulations : The Project is consistent with the GP, which recognizes the need "to provide a wide range of recreational facilities and services" to all Oahu Residences. The Project is consistent with the PUCDP, which recommends improving natural, cultural, and scenic resources, improving the livability of dense urban communities with provisions for open and recreational areas, and improving Honolulu's image as a leading Pacific City and travel destination.

Compliance with the LUO and other regulations will be confirmed during review of building permits and plans. Compliance with Chapter 23, ROH, will be confirmed during review of MSS, SSV applications, and building permits. No additional conditions are necessary.

7. Alterations to bays, estuaries, and other water features: The Project will not alter any natural water features within the Park. Modifications to the two ponds and canal are intended to repair, rehabilitate, or protect these features. Impacts due to sand nourishment activities will be reviewed by the appropriate state and federal agencies. Impacts to the shape and location of the shoreline are anticipated, and the purpose of the proposal is to restore and nourish an eroding shoreline. Because the land makai of

the shoreline is within the State Conservation District and not the SMA, no specific conditions are necessary.

8. Reductions to beach or recreation areas: The Project does not reduce the size of the beach or any recreation areas. The sand nourishment proposal will, in fact, expand the beach, increasing areas available for recreation. While some members of the public commented that the playground or modified parking proposal would reduce the amount of recreational area, it is more accurate to state that one type of recreational area is being modified to support another new type of recreational activity, or to increase access to the Park generally. Increases in paved surfaces or areas dedicated to the playground are not substantial considering the size of the Park, and would constitute about two percent of the total land area within the Park (250 parking spaces = about one acre; playground = about one acre; Park is about 119 acres). This decrease will be offset by additional sand areas and additional recreational opportunities created, which in some areas will be as much as 85 feet of additional beach depth.
9. Reductions or restrictions to ocean or tidal areas: The Project will not permanently reduce or restrict access to the ocean or tidal areas. Rather, the Project is intended to ensure continuous public access to these features for years to come. Temporary restrictions to the shoreline are necessary during sand nourishment; however, this will be mitigated by limiting the areas of the shoreline that are closed to only those that are necessary for the safety of the public as previously recommended. There are no long-term impacts to access associated with the Project. Beyond those already recommended, no conditions are recommended.
10. Scenic resources and viewsheds: There are no anticipated impacts to scenic resources or viewsheds, as previously discussed. No additional conditions are necessary.
11. Water quality and habitats: As determined by the FEIS, no permanent impacts to water quality or existing habitats are anticipated. Temporary impacts will be mitigated by implementing BMPs and the specific conditions previously recommended related to the dog park and sand nourishment. No additional conditions are necessary related to water quality.

The FEIS also identified the need to protect the White Tern and Hawaiian Hoary Bat habitat during construction, tree trimming, tree relocation, and tree removal. Therefore, trees taller than 15 feet in height should not be trimmed, relocated, or removed between June 1 and September 15 during bat birthing and pup rearing season. Tree removal should be conducted in the fall and early winter. Trees should be inspected prior to removal; if a White Tern chick or a roosting Hawaiian Hoary Bat is found during the

inspection, the tree should not be trimmed or removed until the chick has fledged or the Hawaiian Hoary Bat has finished roosting. This should be a condition of approval.

IV. CONCLUSIONS OF LAW

The proposed development was reviewed under the provisions of Sections 25-3.1 and 25-3.2, ROH, and Sections 205A-2 and 205A-26, HRS, and found to be consistent with established SMA objectives, policies, and guidelines, subject to the conditions below. Based on the analysis and recommended conditions, the Project will not adversely impact the SMA resources.

V. RECOMMENDATION

Based on the preceding Analysis and Conclusion, it is recommended that the application for a Special Management Area (SMA) Use Permit be **APPROVED**, subject to the following conditions:

- A. Construction of the Park improvements must be in general conformity with the Master Plan as described in this Report and Recommendation of the Director of the Department of Planning and Permitting (DPP), the plans attached hereto as Exhibits A through I, and the Final Environmental Impact Statement (FEIS) accepted August 12, 2019. Any other changes in the size or nature of the approved Project that may have a significant effect on coastal resources addressed in Chapter 25, Revised Ordinances of Honolulu, or Chapter 205A, Hawaii Revised Statutes (HRS) will require a new application and permit. Any changes which do not have a significant effect on coastal resources are considered minor modifications and are therefore permitted under this resolution, upon review and approval by the Director of the DPP.
- B. Prior to the issuance of any permit or tree removal that would impact historic features of the Park, the Applicant must obtain approval from Department of Land and Natural Resources, State Historic Preservation Division (SHPD).
- C. Prior to submitting building permits for any new building exceeding 7,500 square feet in floor area, the Applicant must first submit preliminary plans for a confirmation of compliance with the SMA permit, and a determination of no significant impact by the Director of the DPP.
- D. If, during construction, any previously unidentified archaeological sites or remains (including but not limited to human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes) are encountered, the Applicant must stop work and contact the SHPD immediately. Work in the immediate area

must be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.

- E. Prior to issuing a Minor Shoreline Structure permit for sand nourishment, the Applicant must prepare and submit the following for review and approval by the DPP:
1. A monitoring program committing the Applicant to monitoring and protecting environmental resources (e.g., flora, fauna, and wave action) that are important to cultural practices throughout the various phases of the sand nourishment project.
 2. A schedule of sand nourishment activities designed to limit shoreline area closures to only those minimally necessary to protect public safety.
 3. A study confirming that sand contamination testing has taken place prior to sand collection, and that the sand is appropriate for nourishment use, and does not put the public or coastal ecosystem at risk.
- These documents, when approved, should be made publicly available in the DPP file.
- F. Prior to the approval of any plans for new paved areas, the Applicant must submit a tree disposition plan for the area. Tree removal should be avoided whenever possible. If trees are to be removed, they must be relocated on-site or replaced.
- G. Prior to the approval of any grading or building permits for the dog park, the Applicant must submit a water quality and drainage plan or report confirming the effectiveness of the proposed mitigation measures.
- H. Prior to opening the dog park to the public, the Applicant must erect informational signage of the park rules and the potential impact of uncollected waste on coastal resources.
- I. Water testing should be done quarterly for one year after the dog park is opened to confirm the effectiveness of the dog park's best management practices. If it is determined that these conditions are insufficient after the dog park has been in operation, the Applicant should be required to close the dog park until sufficient actions are taken to mitigate substantial impacts from dog waste entering the coastal ecosystem.
- J. The building permit plans must show that all outdoor light fixtures are fully shielded. All outdoor lights should be of a temperature of 3,000K or less. All outdoor lights (including, but not necessarily limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes) are prohibited if the light

directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS Section 205A-71(b).

- K. To protect the White Tern and Hawaiian Hoary Bat habitat during construction, tree trimming, tree relocation, and tree removal, trees taller than 15 feet in height should not be trimmed, relocated, or removed between June 1 and September 15 during bat birthing and pup rearing season. Tree removal should be conducted in the fall and early winter. Trees should be inspected prior to removal; if a White Tern chick or a roosting Hawaiian Hoary Bat is found during the inspection, the tree should not be trimmed or removed until the chick has fledged or the Hawaiian Hoary Bat has finished roosting.
- L. Approval of this SMA Use Permit does not constitute compliance with other Land Use Ordinance (LUO), or other governmental requirements, including activities within the shoreline setback area, building, grading, and grubbing permits. They are subject to separate review and approval. The Applicant will be responsible for insuring that the final plans for the Project approved under this permit comply with all applicable LUO and other governmental provisions and requirements.

Dated at Honolulu, Hawaii, this 17th day of January, 2020.

Department of Planning and Permitting
City and County of Honolulu
State of Hawaii

By 
Kathy K. Bokugawa
Acting Director

Attachments



RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA (SMA) USE PERMIT FOR IMPROVEMENTS AT THE ALA MOANA REGIONAL PARK AND MAGIC ISLAND, AS DESCRIBED IN THE FINAL ENVIRONMENTAL IMPACT STATEMENT, ACCEPTED ON AUGUST 12, 2019, AT 1141, 1201, 1365, 1401, and 1605 ALA MOANA BOULEVARD WITHIN THE SMA.

WHEREAS, on November 4, 2019, the Department of Planning and Permitting (DPP) accepted the application (File No. 2019/SMA-36) from the City and County of Honolulu, Department of Design and Construction, herein referred to as the "Applicant," for an SMA Use Permit, for improvements at the Ala Moana Regional Park and Magic Island (Park), as described in the Final Environmental Impact Statement (FEIS), accepted on August 12, 2019, on land in the P-2 General Preservation District, located at 1141, 1201, 1365, 1401, and 1605 Ala Moana Boulevard, Honolulu, Oahu, and identified as Tax Map Keys 2-3-037: 001, 022, 023, and 025 (the Project); and

WHEREAS, on December 18, 2019, the DPP held a Public Hearing which was attended by 40 members of the public, the Applicant, and their representative; and

WHEREAS, on January 17, 2020, within 20 working days after the close of the Public Hearing, the DPP having duly considered all evidence and the objectives, policies, and guidelines as established in Sections 25-3.1 and 25-3.2, Revised Ordinances of Honolulu (ROH), and Sections 205A-2 and 205A-26, Hawaii Revised Statutes (HRS), completed its report and transmitted its findings and recommendation of approval to the Council; and

WHEREAS, the City Council, having received the findings and recommendation of the DPP on _____, by Departmental Communication _____, and having duly considered all of the findings and reports on the matter, approved the subject application for an SMA Use Permit with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that a SMA Use Permit be issued to the Applicant under the following conditions:

- A. Construction of the Park improvements must be in general conformity with the Master Plan as described in this Report and Recommendation of the Director of the Department of Planning and Permitting (DPP), the plans attached hereto as Exhibits A through I, and the Final Environmental Impact Statement (FEIS) accepted August 12, 2019. Any other changes in the size or nature of the approved Project that may have a significant effect on coastal resources addressed in Chapter 25, Revised Ordinances of Honolulu, or Chapter 205A,



RESOLUTION

Hawaii Revised Statutes (HRS) will require a new application and permit. Any changes which do not have a significant effect on coastal resources are considered minor modifications and are therefore permitted under this resolution, upon review and approval by the Director of the DPP.

- B. Prior to the issuance of any permit or tree removal that would impact historic features of the Park, the Applicant must obtain approval from Department of Land and Natural Resources, State Historic Preservation Division (SHPD).
- C. Prior to submitting building permits for any new building exceeding 7,500 square feet in floor area, the Applicant must first submit preliminary plans for a confirmation of compliance with the SMA permit, and a determination of no significant impact by the Director of the DPP.
- D. If, during construction, any previously unidentified archaeological sites or remains (including but not limited to human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes) are encountered, the Applicant must stop work and contact the SHPD immediately. Work in the immediate area must be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.
- E. Prior to issuing a Minor Shoreline Structure permit for sand nourishment, the Applicant must prepare and submit the following for review and approval by the DPP:
 - 1. A monitoring program committing the Applicant to monitoring and protecting environmental resources (e.g., flora, fauna, and wave action) that are important to cultural practices throughout the various phases of the sand nourishment project.
 - 2. A schedule of sand nourishment activities designed to limit shoreline area closures to only those minimally necessary to protect public safety.
 - 3. A study confirming that sand contamination testing has taken place prior to sand collection, and that the sand is appropriate for nourishment use, and does not put the public or coastal ecosystem at risk.

These documents, when approved, should be made publicly available in the DPP file.

- F. Prior to the approval of any plans for new paved areas, the Applicant must submit a tree disposition plan for the area. Tree removal should be avoided



RESOLUTION

whenever possible. If trees are to be removed, they must be relocated on-site or replaced.

- G. Prior to the approval of any grading or building permits for the dog park, the Applicant must submit a water quality and drainage plan or report confirming the effectiveness of the proposed mitigation measures.
- H. Prior to opening the dog park to the public, the Applicant must erect informational signage of the park rules and the potential impact of uncollected waste on coastal resources.
- I. Water testing should be done quarterly for one year after the dog park is opened to confirm the effectiveness of the dog park's best management practices. If it is determined that these conditions are insufficient after the dog park has been in operation, the Applicant should be required to close the dog park until sufficient actions are taken to mitigate substantial impacts from dog waste entering the coastal ecosystem.
- J. The building permit plans must show that all outdoor light fixtures are fully shielded. All outdoor lights should be of a temperature of 3,000K or less. All outdoor lights (including, but not necessarily limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes) are prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS Section 205A-71(b).
- K. To protect the White Tern and Hawaiian Hoary Bat habitat during construction, tree trimming, tree relocation, and tree removal, trees taller than 15 feet in height should not be trimmed, relocated, or removed between June 1 and September 15 during bat birthing and pup rearing season. Tree removal should be conducted in the fall and early winter. Trees should be inspected prior to removal; if a White Tern chick or a roosting Hawaiian Hoary Bat is found during the inspection, the tree should not be trimmed or removed until the chick has fledged or the Hawaiian Hoary Bat has finished roosting.
- L. Approval of this SMA Use Permit does not constitute compliance with other Land Use Ordinance (LUO), or other governmental requirements, including activities within the shoreline setback area, building, grading, and grubbing permits. They are subject to separate review and approval. The Applicant will be responsible for insuring that the final plans for the Project approved under this permit comply with all applicable LUO and other governmental provisions and requirements.



RESOLUTION

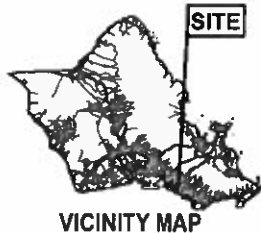
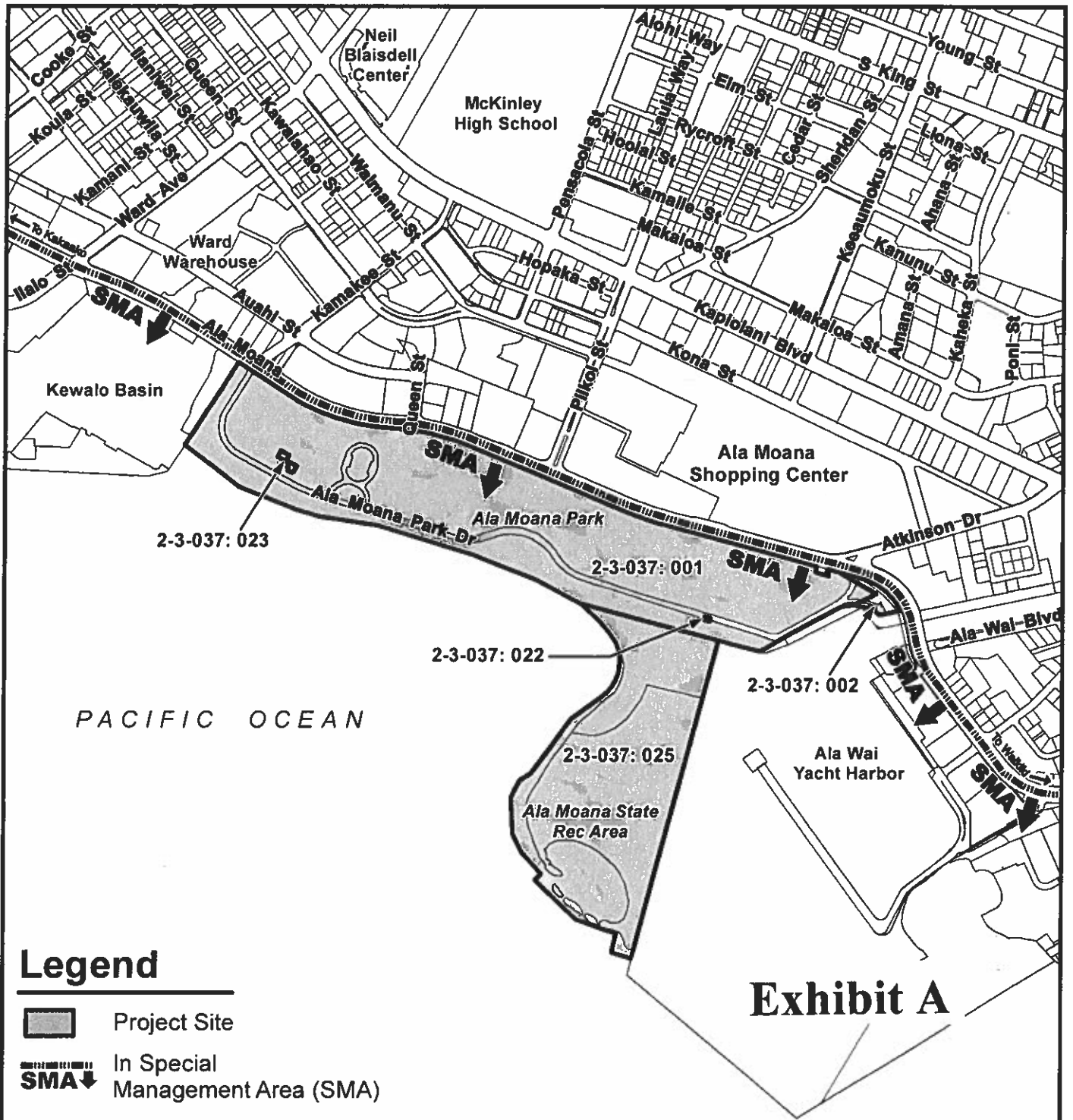
BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that copies of this Resolution be transmitted to Mark Yonamine, P.E., Director Designate of the Department of Design and Construction, 650 South King Street, 11th Floor, Honolulu, Hawaii 96813; Kathy K. Sokugawa, Acting Director of the Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; and Mary Alice Evans, Director of the Office of Planning, Attention: Coastal Zone Management Branch, P. O. Box 2359, Honolulu, Hawaii 96804.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers



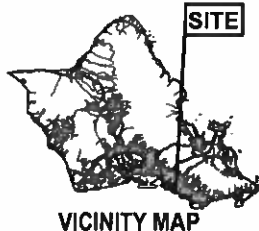
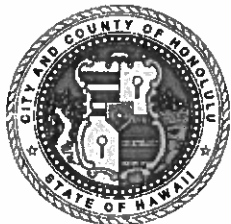
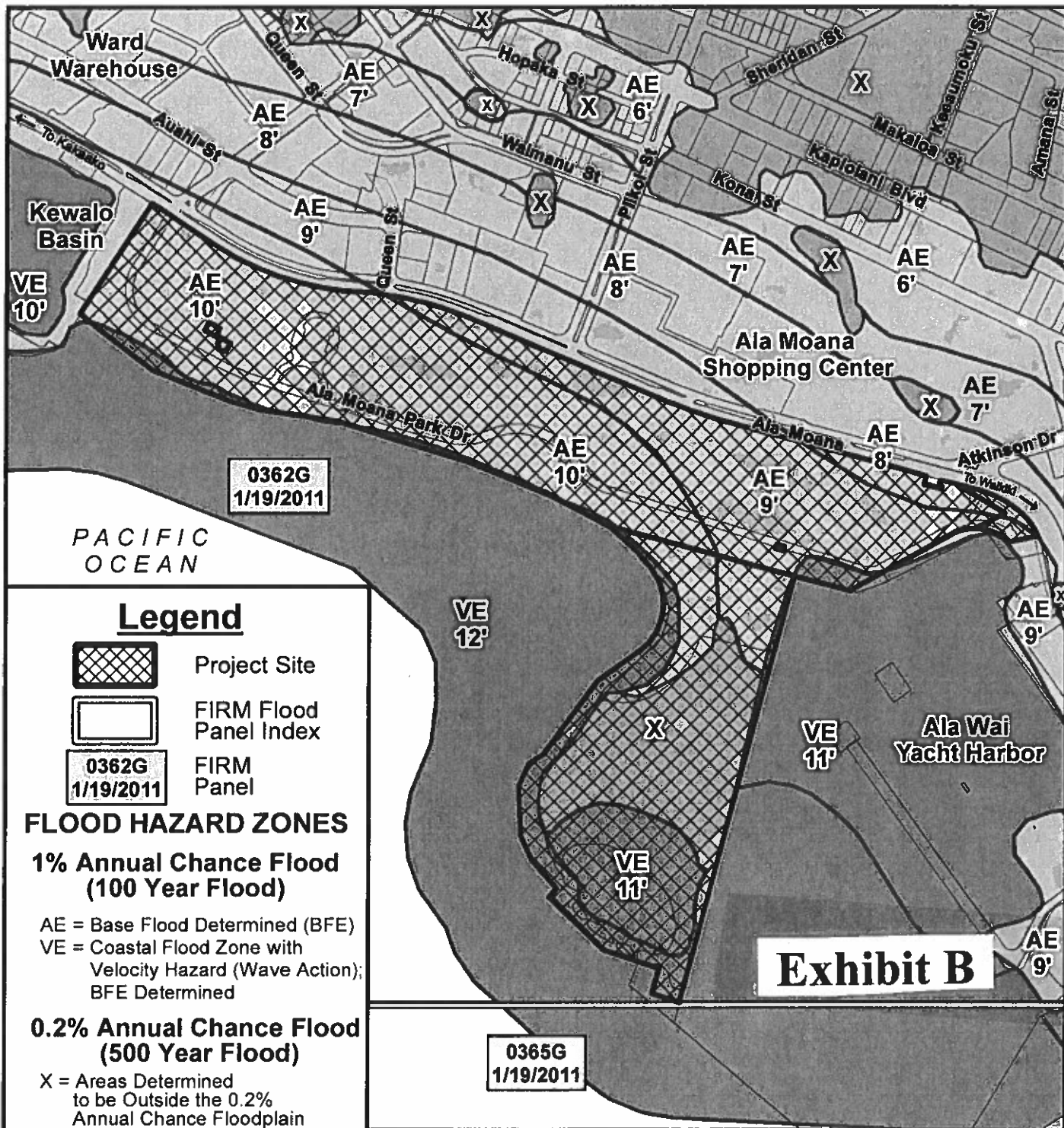
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Scale in Feet



LOCATION MAP WITH SMA ALA MOANA PARK AND AINA MOANA STATE PARK, HONOLULU

TAX MAP KEY(S): 2-3-037: 001, 002, 022, 023,
& 025

FOLDER NO.: 2019/SMA-36



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 Scale in Feet

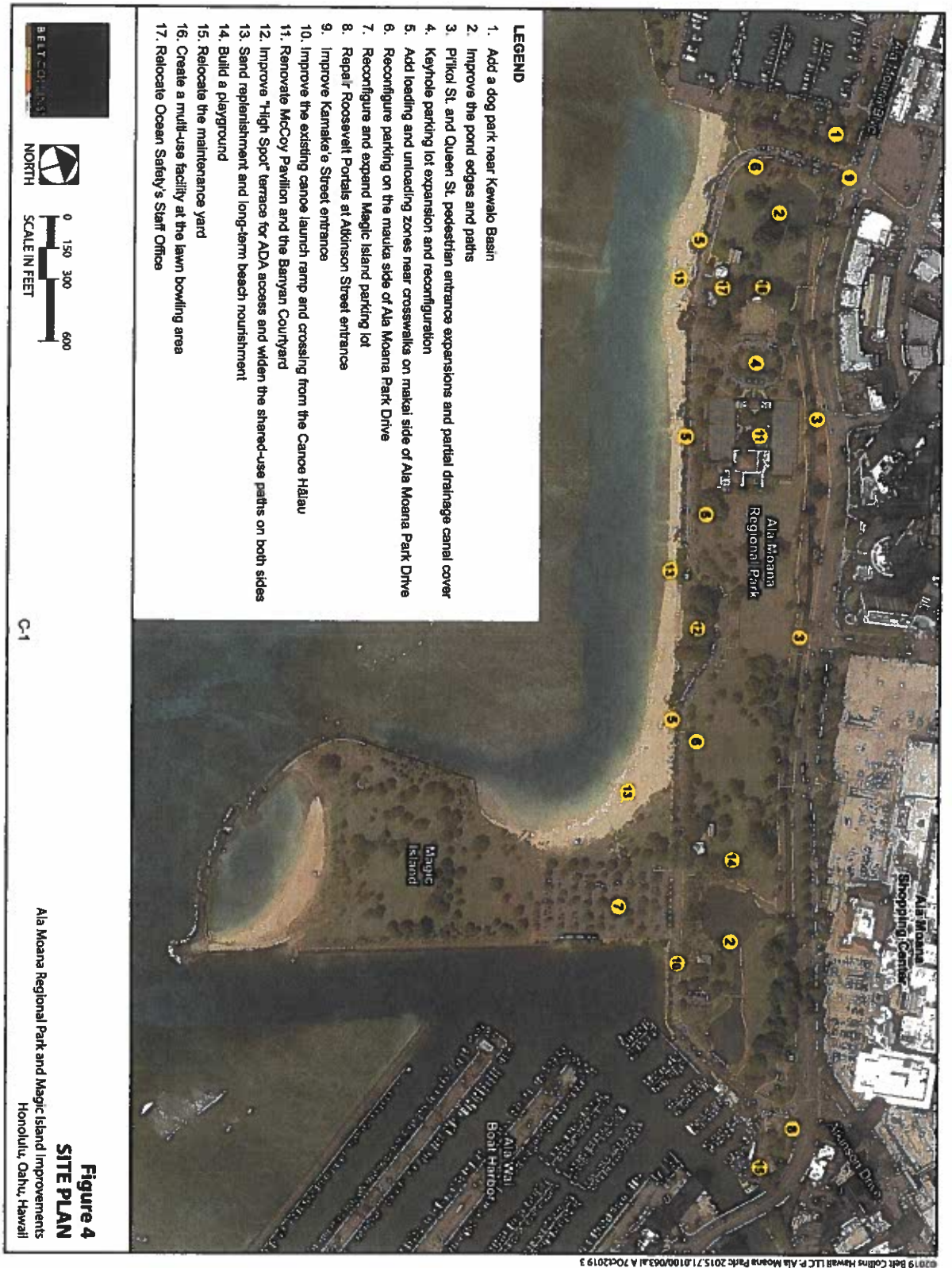


**PORTION OF
 FLOOD HAZARD MAP
 FIRM PANELS 0362G & 0365G
 Dated 1/19/2011**

TAX MAP KEY(S): 2-3-037: 001, 002, 022, 023, & 025

FOLDER NO.: 2019/SMA-36

Exhibit C



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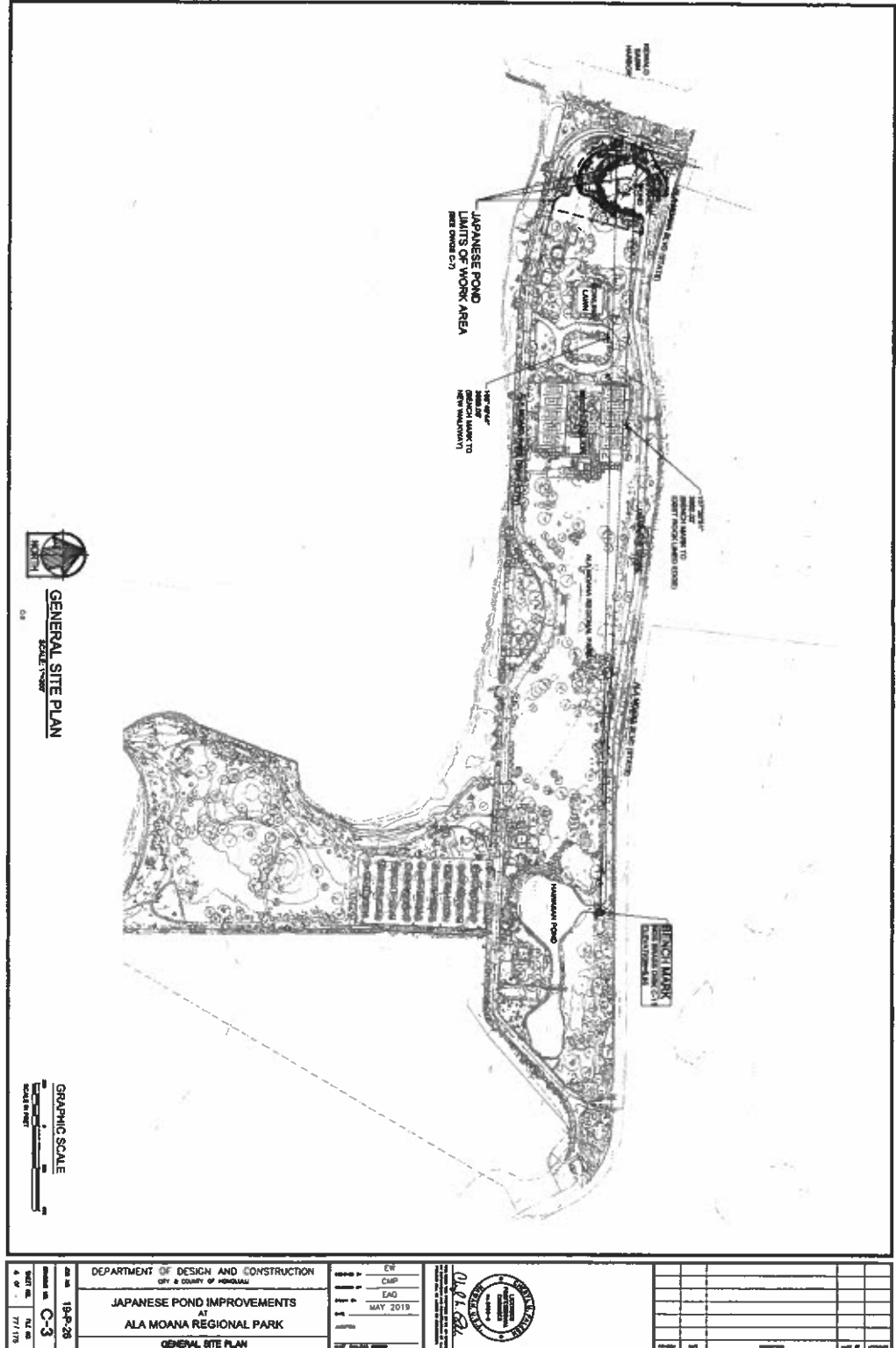


Exhibit D

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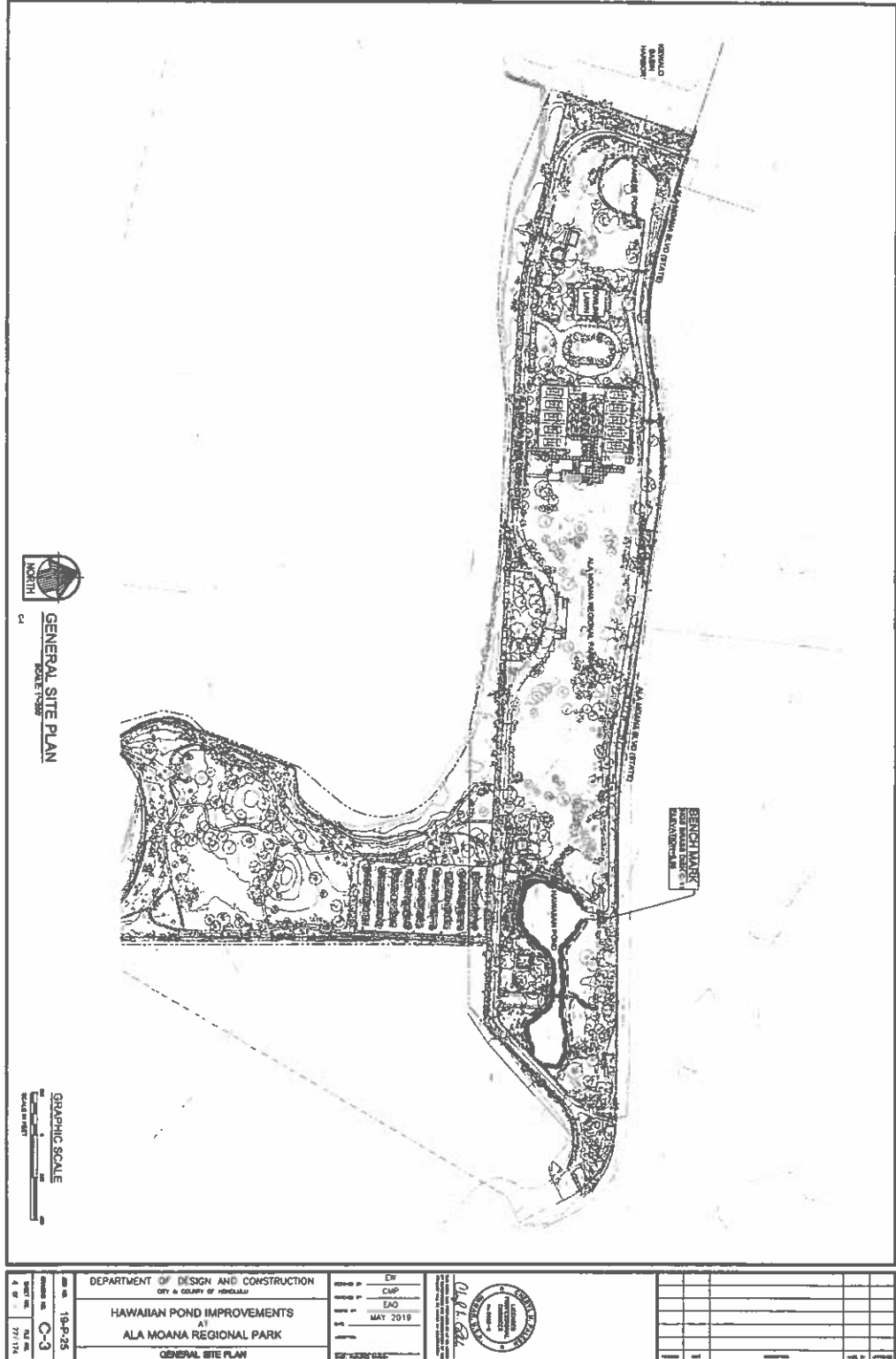


Exhibit E



PLoS ONE | <https://doi.org/10.1371/journal.pone.0217746> March 29, 2019

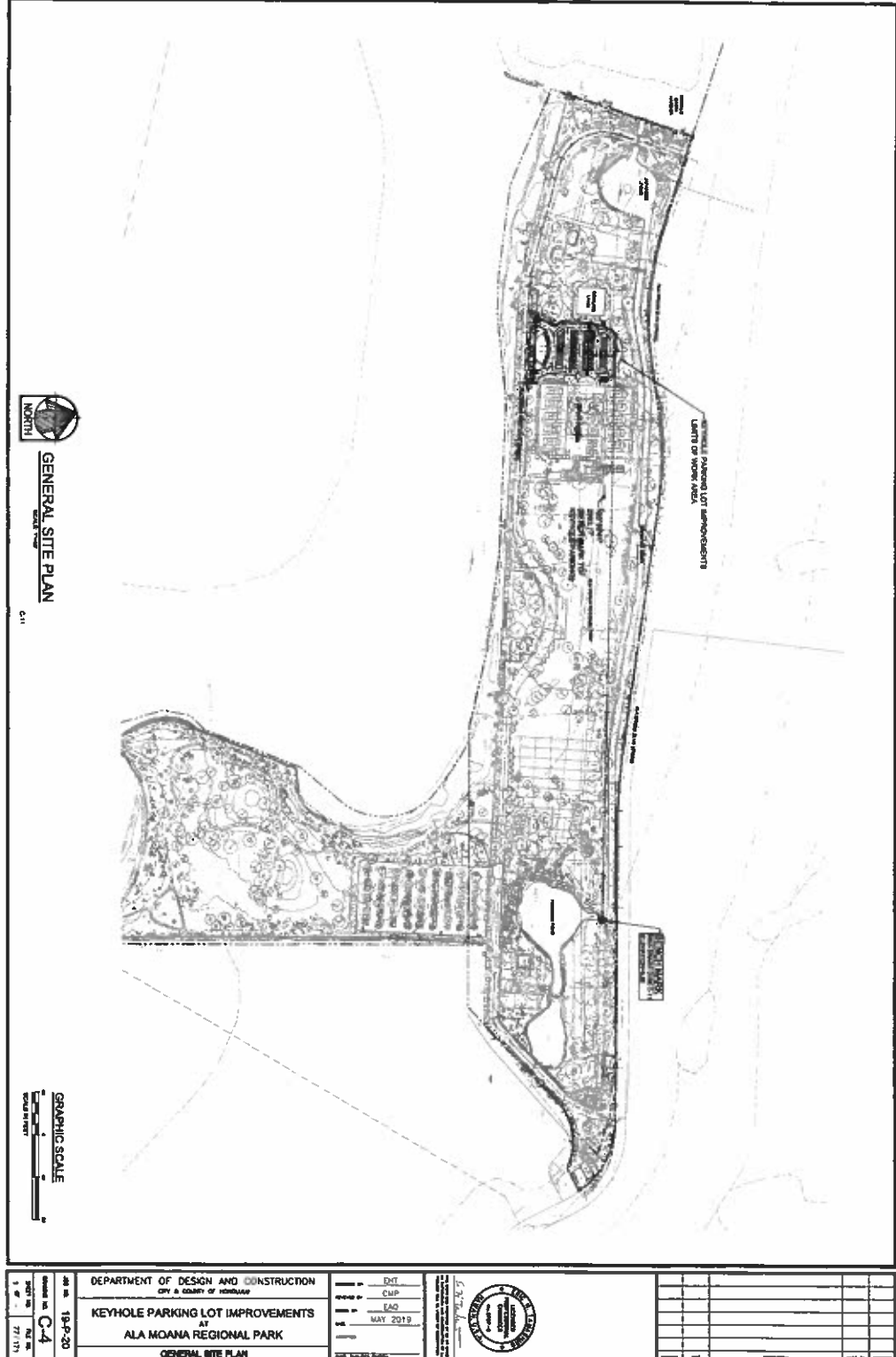


Exhibit G

